

REMARKS

Office Action Summary

Claims 134-135, 137-147, 149-169, and 171-176 are pending in the application. No claims are currently amended or canceled.

Claims 134, 137-139, 141, 145-147, 149-151, 153, 157-158, 160, 164-169, 171-173, and 175-176 stand rejected under 35 USC § 103(a) as being unpatentable over Walters, et al, US 5,440,334 (“Walters”) in view of Beach, et al, US 6,728,713 (“Beach”).

Claims 140, 152, 159, and 174 stand rejected under 35 USC § 103(a) as being unpatentable over Walters, et al, US 5,440,334 (“Walters”) in view of Beach, et al, US 6,728,713 (“Beach”) further in view of Russo, US 6,025,868 (“Russo”).

Claims 142-144, 154-156, and 161-163 stand rejected under 35 USC § 103(a) as being unpatentable over Walters, et al, US 5,440,334 (“Walters”) in view of Beach, et al, US 6,728,713 (“Beach”) further in view of Banker, et al, US 6,005,938 (“Banker”) further in view of Gilhousen, et al, US 4,613,901 (“Gilhousen”).

The claim rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the objection and the rejections in view of the following remarks. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants’ undersigned representative, Jon M. Isaacson, at **206-332-1102**.

Claim 134

Claim 134 stands rejected under 35 USC § 103(a) as being unpatentable over Walters in view of Beach. Applicants submit that the combination of Walters with Beach fails to teach or suggest a method for automatically storing transmitted programs where the gathering of user preferences and the matching to transmitted video programs occurs at the user locations. Specifically, the combination of Walters with Beach fails to teach or suggest “each said consumer device comprises a mechanism configured to *automatically select for storage* video programs from the plurality of video programs having a defined level of *match between classification information* associated with the video programs and preference information

associated with the consumer device” where the classification information “comprises descriptive information *other than specific identification* of the at least one of the plurality of video programs” as recited by claim 1. (Emphases added.)

The burst transmissions in Walters come from a central library in a cyclical, predetermined order. (Walters, col. 2, ll. 19-21.) The receiver located at each user location monitors the transmissions from the central library, and identifies the unique program codes which the user selected for recording. (Walters, col. 2, ll. 21-28.) Walters cannot automatically select video programs for storage because it requires the user to identify the specific programs to be recorded. Thus, as the examiner indicates, Walters does not disclose selection of programs for recording “a mechanism configured to *automatically select for storage video programs* from the plurality of video programs having a defined level of match between classification information associated with the video programs and preference information associated with the consumer device” as recited by claim 134.

Beach does disclose the creation of a video “recording schedule” of programming based on viewer preferences (col. 3, ll. 43-45 and col. 18, ll. 34-37); however, Beach requires that the user preferences be communicated through the central transmission system to create the recording schedule (see col. 4 line 60 – col. 5, line 10). In the sections cited by the examiner, Beach describes the collection of viewer preferences and the creation of a ranked list of objects in the central database which the user would want to record. (See col. 17, line 16 – col. 18, line 33.) Beach concludes that a “recording schedule” can be created from the generated ordered list. (Col. 18, lines 34-37.) Later, Beach teaches that the recording schedule is made by comparing the ordered list to a list of the schedule of program transmission. (Col. 19, lines 34-44.) Thus, Beach cannot automatically select programs to be recorded at the user location because it has to know in advance which programs are being broadcast and at which times.

Applicants submit that the combination of Walter and Russo does not teach or suggest how video programs can be selected for recording at a user location without first receiving the schedule of programs broadcast and/or having the user select the specific programs to be recorded. Thus, applicants submit that the combination of cited references does not teach or suggest “each said consumer device comprises a mechanism configured to *automatically select*

for storage video programs from the plurality of video programs having a defined level of match between classification information associated with the video programs and preference information associated with the consumer device” as recited by claim 134. Applicants respectfully request withdrawal of the rejection of claim 134.

Claims 146, 158, 168, and 175

Claims 146, 158, 168, and 175 stand rejection under 35 USC § 103(a) as being unpatentable over Walters in view of Beach. The recitations of claims 146, 158, 168, and 175 are similar to the recitations of claim 134, and claims 146, 158, 168, and 175 stand rejected for essentially the same reasoning. For at least the reasons discussed regarding claim 134, applicants submit that claims 146, 158, 168, and 175 are patentably defined over the cited art and respectfully request withdrawal of the rejection of claims 146, 158, 168, and 175.

Claim 135

With respect to claim 135, applicants note that **the examiner has not cited any art against claim 135 in the Official action, and the examiner does not explain why claim 135 stands rejected or over what art.** The last Official Action which contained reasoning as to the rejection of claim 135 was the Official Action mailed 4/19/2007.

Claims 135, 137-145, 147, 149-167, 169, 171-174, and 176

Claims 135, 137-145, 147, 149-167, 169, 171-174, and 176 depend, directly or indirectly, from impendent claims 134, 146, 158, 168, and 175. For at least the reasons discussed regarding those independent claims, applicants submit that claims 135, 137-145, 147, 149-167, 169, 171-174, and 176 are patentably defined over the cited art and respectfully request withdrawal of the rejection of claims 135, 137-145, 147, 149-167, 169, 171-174, and 176.

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the official action, and submit that claims 134-135, 137-147, 149-169, and 171-

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176 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

Respectfully submitted,

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